

Chicopee Planning Board Voting Record and Minutes

The Planning Board of the City of Chicopee public hearing for **Thursday, October 7, 2021 at 7 PM** Chambers Conference Room, 4th Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013

Meeting was brought to order at 7:00 PM.

Planning Board Attendance

Member	Present	Absent	Excused
Michael Sarnelli, Chair	X		
Saulo DePaula, Vice Chair	X		
Melissa St. Germain, Clerk	X		
Cynthia Labrie	X		
Tom Reniewicz	X		
Ray Hoess-Brooks			X
Samuel Shumsky	X		

Planning Department Staff Attendance

Title	Name	Present	Absent	Excused
Director	Lee Pouliot	X		
Development Manager	James Dawson	X		
Associate Planner	Nathan Moreau			X

ITEM 1: Site Plan with Waiver of Preliminary Plan Request to construct a new 38,400 SF industrial building with associated parking, stormwater management, utilities, and associated site improvements.

Location: East Main St. (Assessor Map 131, Parcel 1) Applicant: Development Associates, LLC – Ken Vincunas, 200 Silver St., Agawam, MA 01001

Notes: Kim Masiuk of BL Companies presented on behalf of Development Associates. Ms. Masiuk's colleague Wayne Violette and Ken Vincunas of Development Associates were in attendance to answer specific questions about the proposed project. Ms. Masiuk provided a detailed summary of the project, explaining the property size and existing conditions of the site. She noted that utilities were put in place when the Chicopee River Business Park (CRBP) was laid out in the late 1990s. She also explained that the design took into account the wetland resource areas on the site as well as required setbacks per the City's Zoning Ordinances. Wayne Violette explained the existing landscape conditions on the site as well as the proposed landscape plans. He noted the "streetscape" design proposed along East Main Street as well as the screening of abutting residences to the east of the project site with mixed evergreen plantings. Mr. Violette also explained the style of landscape on the slopes would consist of native grasses and would not be intensely manicured to allow for a naturalistic appearance. He also noted there would be more traditional "foundation" plantings on the west side of the building in the area of the formal building entrances.

Kim Masiuk explained architectural details proposed for the building. Ms. Masiuk proceeded to review the SPRAC comments with the Board.

Board Chair Michael Sarnelli opened the meeting up to public comment. Public comments focused on several issues including but not limited to the following: Reversal of the building footprint to place loading docks on the west side of the building, tenant buildout and use of the building, impacts to entering and exiting Eton Street, noise from trucks and generators, diesel fumes, lighting, inadequate setbacks, screening, impacts to street traffic, hours of operation and "dark activity" in the overnight hours. Ward 5 Councilor Fred Krampits thanked residents for coming to the meeting and expressed his concerns for the residents. He asked the Applicant to please consider the requests of the Abutters. Councilor At-Large Robert Zygarowski was also in attendance. Kim Masiuk and Ken Vincunas addressed neighborhood concerns. One Resident asked if the Planning Board could deny the Site Plan. Staff responded that if the Site Plans meet all Zoning and Site Plan Regulations the Board is obligated to approve or approve the plans with conditions. Staff also reminded the Board that the Applicant requested a Waiver of Preliminary Plan submittal requirements. Staff noted that it did not support this Waiver. The Board discussed the plans. Board Member Samuel Shumsky asked how many new jobs the project is expected to generate to which Ken Vincunas responded approximately 40. The Board voted to deny the Waiver of Preliminary Plan submittal requirements. The Applicant requested a waiver of the maximum slope requirements during the meeting. Staff noted the Waiver of maximum slope requirements could not be voted upon at the meeting since it was not posted. Since the Waiver is to be approved prior to approving the Site Plans as Preliminary Site Plans the Board voted to table the vote on the Site Plans to November 9, 2021 to allow the Applicant to formally submit the Waiver of maximum slope requirements.

Motion to deny the Waiver of Preliminary Site Plan submittal requirements was made by Melissa St. Germain and seconded by Cynthia Labrie. Vote was 6-0 to deny the Waiver of Preliminary Site Plan submittal requirements. (Plans to be voted upon as Preliminary Site Plans)

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair		X		
Saulo DePaula, Vice Chair		X		
Melissa St. Germain, Clerk		X		
Cynthia Labrie		X		
Tom Reniewicz		X		
Samuel Shumsky		X		

Motion to table the Preliminary Site Plans to November 9, 2021 was made by Saulo DePaula and seconded by Melissa St. Germain. Vote was 6-0 to table the Preliminary Site Plans to November 9, 2021.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair			X	
Saulo DePaula, Vice Chair			X	
Melissa St. Germain, Clerk			X	
Cynthia Labrie			X	
Tom Reniewicz			X	
Samuel Shumsky			X	

ITEM 2: ANR – 475 Montgomery Street

Notes: Staff explained the ANR was to transfer a portion of one property the neighboring property. All the lots on the plan would remain legal lots per the Zoning Ordinances.

Motion to approve was made by Melissa St. Germain and seconded by Cynthia Labrie. Vote was 6-0 to approve.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair	X			
Saulo DePaula, Vice Chair	X			
Melissa St. Germain, Clerk	X			
Cynthia Labrie	X			
Tom Reniewicz	X			
Samuel Shumsky	X			

ITEM 3: Minutes from September 2, 2021

Motion to approve was made by Thomas Reniewicz and seconded by Saulo DePaula. Vote was 6-0 to approve.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair	X			
Saulo DePaula, Vice Chair	X			
Melissa St. Germain, Clerk	X			
Cynthia Labrie	X			
Tom Reniewicz	X			
Samuel Shumsky	X			

ITEM 4: New Business/Discussion

- **Open Meeting Law Complaint** – To discuss six (6) similar open meeting law complaints regarding the September 2, 2021 meeting and the approval of a preliminary site plan review for property located at the southeast corner of East Main and Carew Street, Assessors Map 131 and 108, Parcel 1. Abutters allege they did not receive notice of hearing, and have made requests for corrective action.
- This portion of the meeting may be held in executive session for the purpose of the board to obtain legal advice regarding their responsibility to respond to the complaints. See *Suffolk Constr. Co. v. Div. of Capital Asset Mgmt.*, 449 Mass. 444 (2007).

Notes: Assistant City Solicitor Christine Pikula explained that the complaints filed against the Planning Board for violations of the Open Meeting Law due to Abutters not receiving notices in the mail were not valid as the law does not require written notices to be sent to Abutters. She also noted the notice of the meeting was properly posted at least 48 hours before the meeting. Attorney Pikula explained that if the Board was inclined to have her send response letters to the complainants the Board would be required to vote to delegate to her the authority to proceed. The Board voted to delegate to Attorney Pikula the authority to respond to the complaints filed against the Board for Open Meeting Law Violations.

Motion to approve was made by Thomas Reniewicz and seconded by Samuel Shumsky. Vote was 6-0 to approve.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair	X			
Saulo DePaula, Vice Chair	X			
Melissa St. Germain, Clerk	X			
Cynthia Labrie	X			
Tom Reniewicz	X			
Samuel Shumsky	X			

Note: The Board voted to enter into Executive Session at approximately 9:18 PM. The purpose of Executive Session was for the purpose of Attorney Client privilege legal advice. The Board also voted not to return to Open Session.

Motion to enter into Executive Session was made by Samuel Shumsky and seconded by Cynthia Labrie. Vote was 6-0 to approve.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair	X			
Saulo DePaula, Vice Chair	X			
Melissa St. Germain, Clerk	X			
Cynthia Labrie	X			
Tom Reniewicz	X			
Samuel Shumsky	X			

ITEM 5: Adjournment next meeting Tuesday, November 9, 2021

Motion to adjourn was made by Melissa St. Germain and seconded by Samuel Shumsky. Vote was 6-0 to adjourn.

Member	Approve	Deny	Table	Abstain
Michael Sarnelli, Chair	X			
Saulo DePaula, Vice Chair	X			
Melissa St. Germain, Clerk	X			
Cynthia Labrie	X			
Tom Reniewicz	X			
Samuel Shumsky	X			

Meeting adjourned at 9:24 PM